IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 2447 of 2005

Between:

Smt.D.Uma Maheswary, w/o D.Devi Ramamurthy,
r/o 8-3-231/C/28, Near Community Hall, Sri Krishna Nagar, Yousufguda, Hyderabad.

..... PETITIONER

AND

The Inspector of police, Police Station Jubilee Hills, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue on a appropriate writ order or direction, more particularly a writ of mandamus or any other appropriate writ holding that the action of respondent is illegally detaining and interfering in the life and liberty as arbitrary, illegal and grant constitution of India and pass such other order has this Hon'ble Court deem fit and proper

Counsel for the Petitioner: MR.KONDAKRISHNA

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following:

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ORDER:.

Heard both sides.

2. The petitioner filed this Writ Petition aggrieved by the alleged illegal detention and interference with her life and liberty by the respondent.

3. The petitioner avers in the affidavit filed in support of the petition that she is a social worker and she has two sons, one son by name Mr. D.V. Aditya has been living separately elsewhere. Be that as it may, the respondent came to the house of the petitioner and asked her to come to Police Station, wherein she was questioned about the details of her son, who was allegedly involved in certain offences and in that connection, it appears she is being called to the Police Station repeatedly to enquire about the whereabouts of her son. It is further alleged that the respondent has been threatening her from time to time and further threatening her if she does not disclose the whereabouts of her son, they would arrest the other family members of the petitioner.

4. Obviously, the son of the petitioner is allegedly involved in certain offences punishable under Indian Penal Code. Therefore, it is quite natural for the investigating agency to question the petitioner, who is none other than the mother of the wanted person by the police. As such, questioning or summoning the petitioner in that connection, *prima facie*, is not illegal.

5. However, what is impermissible is threatening to arrest the petitioner and further threatening the petitioner if the whereabouts of the son of the petitioner are not disclosed other family members of the petitioner will be detained. Therefore, this act on the part of the respondent is certainly illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India. Hopefully, the respondent would not indulge in such activities hereafter, which are impermissible under law.

6. With the above observations, the Writ Petition is closed. No costs.

D.S.R. VARMA, J

DATED: 02.03.2005

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To

1. The Inspector of police, Police Station Jubilee Hills, Hyderabad.

2. 2 CCs to G.P. for Home, High Court of A.P., Hyderabad. (OUT)

3. 2 CD Copies.